

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090586

12/13/2010

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MARRIAGE OF  
BRANDY DARLENE TONNING

BRANDY DARLENE TONNING  
UP

AND

DAVID M URBANOWICZ

DAVID M URBANOWICZ  
7902 E JUANITA AVE  
MESA AZ 85209

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 403 – SEA

Prior to the commencement of today's proceeding, Petitioner's Exhibits 1 and 2 and Respondent's Exhibits 3 through 20 are marked for identification.

1:31 p.m. This is the time set for Evidentiary Hearing re: Petitioner's Petition to Modify Parenting Time and Child Support and Respondent's Emergency Petition for Modification of Parenting Time and Child Support. Petitioner is present on her own behalf. Respondent is present on his own behalf.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

Brandy D. Tanning and David M. Urbanowicz are sworn.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090586

12/13/2010

Petitioner's case:

Brandy D. Tanning, previously sworn, now testifies.

Petitioner's Exhibits 1 and 2 are offered and received in evidence.

The witness is excused.

Petitioner rests.

Respondent's case:

David M. Urbanowicz, previously sworn, now testifies.

Respondent's Exhibits 3 through 20 are offered and received in evidence.

The witness is excused.

Respondent rests.

**IT IS ORDERED** taking this matter under advisement.

2:08 p.m. Hearing concludes.

**FILED:** Child Support Worksheet and Order Stopping Order of Assignment.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**LATER:**

The Court took this matter under advisement in order to review the exhibits submitted and to consider further the parenting plan that was adopted by the Court in the divorce decree through stipulation of the parties.

**THE COURT FINDS** that neither party is asking for a change to the custody designation.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090586

12/13/2010

**IT IS ORDERED** affirming that the parties continue to share joint legal custody of the minor child, Charlee (DOB: 3/9/08).

Given Respondent/Father's added parenting time and given the fact that the minor child has been spending increased time with Father in the last several months based on a further modification in February of 2010,

**IT IS ORDERED** that the joint custody will be without any primary designation. Neither parent is designated the primary residential parent. Both parents are required to consult with the other before they make any decisions affecting the health or education of the minor child. If the parties have conflicts, they may submit them to mediation through Conciliation Services or they may ask that a Parenting Coordinator be appointed to assist them.

**IT IS ORDERED** that each parent is entitled to full and unrestricted access to all medical, dental, prescription, and health related records of the minor child.

With regard to the competing petitions of the parties relating to parenting time,

**THE COURT FINDS** that the modification to the original decree was based on changed working circumstances of Petitioner/Mother. Prior to that date, Mother had been the primary caregiver and had also been designated the primary residential parent. That has changed by conduct of the parties and by order of the Court today. However, the Court does find it appropriate to adopt again the parenting plan that is set forth in the decree of dissolution of marriage.

**IT IS ORDERED** granting Mother's petition to modify parenting time so that the parents will have substantially equal parenting time as set forth in the parenting plan that is attached to the decree of dissolution of marriage. The regular parenting schedule will become effective immediately. The holiday, vacation time and other agreements will remain as per the decree of dissolution of marriage.

**IT IS ORDERED** that each parent shall allow the other parent the right of first refusal to care for the child when either parent is unavailable to care for the child because of work or other commitments.

**IT IS ORDERED** that both parties shall be responsible for any daycare costs that they incur while the child is in their physical custody.

With regard to child support,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090586

12/13/2010

**THE COURT FINDS** that the parents have substantially equal incomes. Mother's gross monthly income is \$2,251.60 and Father's gross monthly income is \$2,300.00. Father receives a credit for payment of support for another child in the amount of \$257.00 per month. Mother pays medical and dental insurance in the amount of \$138.51. Neither Mother nor Father has childcare costs at this time. Mother indicates that she may have to use daycare at least twice per week, but she is willing to pay those costs rather than having the costs included in the calculation of support. One of Father's reasons for objecting to daycare was because of his availability and his request for first right of refusal. Father receives an equal parenting time adjustment of 182 days. For all of these reasons,

**THE COURT FINDS** it appropriate to deviate from the child support guidelines.

**IT IS ORDERED** that neither party pay child support to the other at this time.

**IT IS FURTHER ORDERED** effective January 1, 2011, terminating Father's obligation to pay child support to Mother.

**LET THE RECORD REFLECT** that an Order Stopping Order of Assignment will be initiated electronically.

**IT IS ORDERED** that Mother shall maintain medical insurance for the minor child. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards, policy information, and any updated information changes.

**IT IS ORDERED** that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

December 14, 2010  
Date

/ s / HONORABLE DAVID M. TALAMANTE

---

JUDICIAL OFFICER OF THE SUPERIOR COURT